

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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Nilda GUTIERREZ :
Linda MORGAN, :
Wayne BROWN*, and :
Krista MARSHALL* :

Individually and as :
Class Representatives, :

Plaintiffs, : Civil Action No. 01-5302
: (WHW)

v.

JOHNSON & JOHNSON, :

Defendant. :
-----X

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MOTION FOR CLASS CERTIFICATION BY PLAINTIFFS
GUTIERREZ, MORGAN, BROWN AND MARSHALL

Plaintiffs Nilda Gutierrez, Linda Morgan, Wayne Brown, and Krista Marshall move, pursuant to Rule 23 of the Federal Rules of Civil Procedure,

* With the filing of this Motion, Plaintiffs seek leave to amend the current case caption (which currently lists Plaintiffs Gutierrez and Morgan along with Courtney Jenkins) to add Plaintiffs Brown and Marshall and withdraw Plaintiff Jenkins, as shown here.

(1) to certify the following class:

All persons of African and/or Hispanic descent employed by defendant Johnson & Johnson in any permanent salaried exempt or nonexempt position in the United States at any time from November 15, 1997, to the present; and

(2) to certify the four of them as class representatives.

Certification is appropriate because Defendant has established and maintained, under a common corporate culture, excessively subjective human resources policies and practices adopted by senior management and applicable throughout the Company. The deleterious impact of Defendant's use of excessive subjectivity in compensation and promotion decisions is demonstrated by statistically significant shortfalls in career development and compensation for putative class members as well as through the experiences of Plaintiffs and other class members who have provided declarations about the discrimination they have faced throughout their careers with Defendant.

Plaintiffs are adequate representatives of the proposed class because their promotion and compensation claims are typical of the class, and each has no interest antagonistic to those of the class. Indeed, the original Plaintiffs, Morgan and Gutierrez have been active in their representation of the class, participating in discovery and attending regular meetings for class members arranged by counsel.

The attached Brief in Support of Motion for Class Certification by Plaintiffs Gutierrez, Morgan, Brown and Marshall sets forth in full the grounds for this Motion.

These Plaintiffs further respectfully request that the Court hold an evidentiary hearing on their Motion.

Dated: August 13, 2004



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COUNSEL FOR PLAINTIFFS
AND THE PUTATIVE
CLASS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the foregoing **PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND PLAINTIFFS' BRIEF IN SUPPORT OF MOTION FOR CLASS CERTIFICATION, WITH FOUR APPENDICES OF EXHIBITS,**

APPENDIX A: EXPERT REPORT (1 VOLUME)

APPENDIX B: DEPOSITION TRANSCRIPTS (3 VOLUMES),

**APPENDIX C: DOCUMENTS PRODUCED IN DISCOVERY
(5 VOLUMES) AND**

APPENDIX D: DECLARATIONS (1 VOLUME)

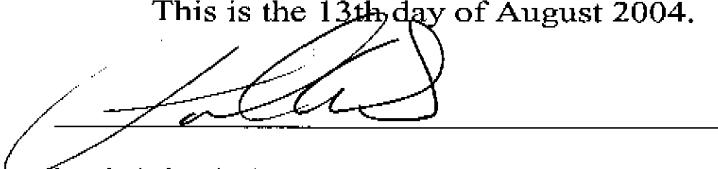
have been duly served on opposing counsel by overnight mail to:

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This is the 13th day of August 2004.


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